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10/590,025	02/27/2007	Thomas Bock	Q96627	6926
23373 7590 08/31/2010 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER GREEN, RICHARD R				
ART UNIT		PAPER NUMBER		
3644				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

**Application No.**

10/590,025

**Applicant(s)**

BOCK ET AL.

**Examiner**

RICHARD R. GREEN

**Art Unit**

3644

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18, 20, 22-44, 46-51 and 56-67 is/are pending in the application.
- 4a) Of the above claim(s) 46-51 and 56-65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18, 20, 22-34, 39-44, 66 and 67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/11/2010
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 6/17/2010 have been fully considered but they are not persuasive. Applicant has argued that Crawford fails to teach an aisle wall or doorway positioned in an aisle wall and dividing it into two sections (Remarks page 11), and that Rezag et al. fails to teach a chair which provides support for a bed (Remarks page 12).

In response to Applicant's arguments that Crawford fails to teach an aisle wall or a doorway in an aisle wall (Remarks page 11), these arguments are unpersuasive because Crawford describes element 26 as "an extended aisle wall portion" of each partition 17 (Crawford c. 3, ¶. 27-38). In figure 5 two aisle wall portions 26 are visible, arranged perpendicular to the transverse end walls 27, and parallel to the back wall 11.

In response to Applicant's arguments that Rezag fails to teach a chair which supports a bed (Remarks page 12), these arguments are unpersuasive because Rezag describes that in the horizontal sleeping position, "the additional berth 32' thus comes to rest on the sitting portion 2 and the unit [36]" (Rezag c. 10, ¶. 21-24). Considering the berth 32' as corresponding to the claimed bed, in the horizontal position the berth 32' is supported by the seat of the chair. Contrary to Applicant's characterization that the chair of Rezag slides down to become a part of the bed (Remarks, middle of page 12), in the embodiment considered (figs. 7a-d), the seat back 4 flips over and slides to cover the seat cushion 2, such that the seat cushion forms no portion of the final bed other than as a support element. While the reverse side of the seat back does become a

portion of a final bed in conjunction with the additional berth 32', this does not appear to be precluded by the scope of the claims, since the chair still supports the bed when the bed is in the horizontal position.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18, 20, 22, 27, 32, 39-41, 66 and 67 are rejected under 35 U.S.C. 102(b)  
as being anticipated by US Patent 2,612,120 to Crawford.

**Regarding claims 18, 20, 22, 40, and 41:** Crawford teaches a private passenger compartment (18 or 19) for a passenger during an aircraft flight comprising:

A plurality of compartment walls (11/12, 26, 27) that are at least 1.6 meters high (see fig. 5) and define a compartment space, one of said walls (27) having a bed storage space (28), wherein the walls include two opposed side walls (11/12, 26) and two opposed end walls (27) that interconnect the side walls and define the compartment space (c. 3, ¶. 27-38: the transverse partitions 17 each comprise a dividing wall 27 and an aisle wall portion 26; the remaining side wall may be considered as the wall of the vehicle, at 11 or 12), with a doorway being positioned centrally in one of the side walls that enables access to the compartment from an aisle (16) and divides the side wall into

two sections, with one section on each side of the doorway (see fig. 5: an opening is present between the two side walls 26, which enables access from the aisle 16);

A chair (67) that is disposed in the compartment space and suitable for take off and landing of the aircraft, and is foldable between a first seating position (fig. 5) and a second support position (fig. 6);

A bed (25) that is foldable between a horizontal sleep position (fig. 6) in the compartment space and a vertical storage position (fig. 5) in the bed storage space (28) (col. 4, lines 27-30);

a seat (21) located in the compartment space and adjacent a wall (36) that is opposite said one of said walls (27) having a bed storage space (28);

a credenza (70) capable of storing a table assembly and adapted to define a support for the bed when the bed is in the sleep position (see fig. 6);

wherein when the chair is in the first seating position, a person can sit upright in the chair (see fig. 5), and when the chair is in the second support position, the chair is folded and defines a support for the bed when the bed is in the sleep position (fig. 6);

wherein, the bed is in the storage position when the chair is in the first seating position and the seat defines a support for the bed when the bed is in the sleep position (see fig. 6: seat 21, chair 67 both support bed 25);

wherein the chair, bed and seat are structurally interactive such that they can be selectively arranged in configurations adapted for relaxation, work, and sleep, where in at least one of the relaxation and work configurations, the chair is in the first seating position and the bed is in the storage position (see fig. 5), and in the sleep configuration,

the bed is in the horizontal sleep position, the chair is folded in the second support position and defines a support for the bed along with the seat (see fig. 6).

**Regarding claims 27 and 32:** a door assembly (160) comprising a curtain (160) supported by an upper rail (161) is included (col. 10, lines 64-73).

**Regarding claim 39:** the chair (67) defines a bedside table when the chair is in the inoperative position (see fig. 3: some portion of the chair 67 is not covered by the bed 25, and could be used as a small table).

**Regarding claims 66 and 67:** when the bed is in the horizontal sleep position, a back portion of the chair is folded forward over a seat portion of the chair such that a backside of the back portion of the chair is substantially parallel with the seat portion of the chair, and the bed overlaps at least a portion of the backside of the back portion of the chair (see fig. 6).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 18, 20, 22, 23, 27-29, 39-41 and 66** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7,318,622 to Rezag et al. in view of WO 03/013942 to Ferry et al.

**Regarding claims 18, 20, 22, 23 and 40:** Rezag teaches a private passenger compartment for a passenger during an aircraft flight (fig. 1) comprising:

a plurality of compartment walls (10) that define a compartment space, one of said walls having a bed storage space (the wall opposite the doorway);

a doorway (12) positioned centrally in one of the walls that enables access to the compartment from an aisle and divides the wall in two sections which are curved so that the compartment is wider in these sections than in the region of the doorway (fig. 1: the compartment is narrowest at the doorway and wider towards the outside ends of the doorway wall sections, along the dimension in which the chair reclines);

a chair (2) suitable for take off and landing and foldable between a first seating position (fig. 1 or 7a) and a second support position (fig. 4 or 7d);

a bed (32') that is foldable between a horizontal sleep position (fig. 7d) and a vertical storage position in the bed storage space (fig. 7a; storage space shown in more detail in fig. 1);

at least one of a credenza and a seat (36, of figs. 7a-d; see c. 9, ¶. 64 – c. 10, ¶. 4; the unit 36 may serve as a seat as well as a storage unit) adjacent a wall opposite the wall having a bed storage space (the seat 36 is adjacent the aisle wall, which opposes the bed storage wall);

wherein the walls include two opposed side walls and two opposed end walls that interconnect the side walls and define the compartment space (all walls are numbered 10, but fig. 1 shows end walls to the fore and aft and side walls on either side), with the doorway (12) being positioned centrally in one of the side walls that enables access to

the compartment from an aisle and divides the side wall into two sections, with one section on each side of the doorway (see fig. 1);

wherein when the chair is in the first seating position (fig. 1 or 7a), a person can sit upright in the chair (c. 6, l. 33-35) and when the chair is in the second support position, the chair is folded and defines a support for the bed when the bed is in the sleep position (see fig. 4 or 7d; c. 10, l. 21-24: the berth 32' in the horizontal position "comes to rest on the sitting portion 2 and the unit [36]");

wherein the bed is in the storage position when the chair is in the first seating position (see fig. 1 or 7a) and at least one of the seat and the credenza defines a support for the bed when the bed is in the sleep position (see fig. 4 or 7d, c. 10, l. 21-24: the bed at 32' is supported by the chair at 2 and the seat/unit 36);

wherein the chair, bed and seat are structurally interactive such that they can be selectively arranged in configurations adapted for relaxation, work, and sleep, where in at least one of the relaxation and work configurations, the chair is in the first seating position and the bed is in the storage position (see fig. 1 or 7a), and in the sleep configuration, the bed is in the horizontal sleep position, the chair is folded in the second support position and defines a support for the bed along with the seat (see fig. 4 or 7d).

Rezag teaches that the walls (10) have "for example, a height of approximately 80 cm" for purposes of privacy (c. 6, l. 22-31), though allows that "a different height can be chosen" (c. 6, l. 31-32). Rezag is silent on a height of at least 1.5 or 1.6 meters.

However, Ferry teaches a passenger compartment convertible between seating and sleeping configurations having four walls which serve as a privacy screen, at least



three of which walls are preferably full-height, extending from floor to ceiling. Though Ferry does not give a discrete measure for a full height wall, it would reasonably be considered to be greater than 1.6 meters (about 5 feet, 3 inches), and some estimate of the full height may be found from observing figs. 5A-C, wherein a wall which is half of full height is shown to house a door panel formed from a panel from a false floor, the width of which is disclosed to be "preferably at least 3 feet (91.4 centimeters)" (page 7, lines 18-22), providing a reasonable full height of around 1.8 meters.

It would have been obvious to a person having ordinary skill in the art at the time of the invention to provide the walls of Rezag as full height walls, as taught by Ferry, for the purpose of increased privacy.

**Regarding claim 39:** the armrest (8) of the chair (2) defines a bedside table when the chair is reclined (fig. 4: see particularly the inside armrest).

**Regarding claim 41:** the unit (36) of Rezag is disclosed to have several functions, including that of a seat, but also for storage or to house a video screen (c. 9, ¶. 64 - c. 10, ¶. 4). The upper portion of the unit (36) is disclosed to support the bed (32') when the bed is deployed to its horizontal position (c. 10, ¶. 5-24). The upper portion which may serve as a seat is considered as a seat, yet the base of the unit, which may store bedding or house a television screen is more multifunctional, and may be considered as a credenza.

**Regarding claim 66:** when the bed is in the horizontal sleep position, the bed overlaps at least a portion of the chair that is folded (fig. 7d: the berth 32' overlaps the seating portion 2 of the chair).

**Claims 24-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rezag in view of Ferry as applied to claim 23 above, and further in view of FR 2,842,497 to Saint-Jalmes, as evidenced by the corresponding English language US Patent Publication 2005/0001097 to Saint-Jalmes.

**Regarding claims 24-26:** Rezag and Ferry are both silent to windows in the doorway wall portions, however, Saint-Jalmes teaches that it is desirable to provide a passenger module with a transparent portion in order that the crew can observe the passengers inside during takeoff and landing procedures (§ 50), which transparent portion may be obscured during flight by a shade or blinds (§ 53). Though the transparent portions of Saint-Jalmes are not shown in the doorway walls, the particular arrangement of furniture is such that the transverse wall of Saint-Jalmes provides superior visibility (see fig. 2: the lavatory blocks most of the aisle wall). In the passenger accommodations of Rezag or Ferry, the flight crew could most easily observe passengers while walking down the aisles if such a transparent portion were on the doorway walls, and as such it would have been obvious to a person having ordinary skill in the art at the time of the invention to provide the doorway walls of Rezag, as modified by Ferry, with windows equipped with blinds as taught by Saint-Jalmes, for the purpose of allowing the flight crew to observe passengers during takeoff and landing maneuvers while providing privacy during flight.

**Claims 27-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rezag in view of Ferry as applied to claim 18 above, and further in view of US Patent 4,134,233 to Guttridge et al.

**Regarding claims 27 and 28:** Rezag fails to teach a door assembly for closing the doorway.

Gutridge teaches a sliding door for a passenger compartment, the door (22) having a transparent window (55) equipped with a retractable shade (69) (c. 3, l. 52-59), and which is mounted to retract within the doorway wall (figs. 2-3: the door slides in rail 62, which is mounted on the interior of the compartment). It would have been obvious to a person having ordinary skill in the art at the time of the invention to use the door of Gutridge in the compartment of Rezag as modified by Ferry for the purpose of closing the compartment while it is occupied.

**Regarding claims 29-31:** Gutridge teaches a single door, however it would have been obvious to a person having ordinary skill in the art at the time of the invention to provide a pair of opposed sliding doors to close the doorway of Rezag as modified by Ferry, for the purpose of providing a symmetrical closure for the opening.

**Claim 32 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Rezag in view of Ferry as applied to claim 27 above, and further in view of US Patent 5,024,398 to Riedinger et al.

**Regarding claim 32:** Rezag and Ferry fail to teach a door assembly comprising a curtain supported by a sliding upper rail. However, Riedinger teaches an aircraft compartment which is closed by a curtain (18) supported by an upper rail (Riedinger fig. 5). It would have been obvious to a person having ordinary skill in the art at the time of the invention to implement the curtain of Riedinger to close the doorway of Rezag, as modified by Ferry, for the purpose of increased privacy by closing the doorway.

**Claims 33 and 34** rejected under 35 U.S.C. 103(a) as being unpatentable over Rezag in view of Ferry and Riedinger as applied to claim 32 above, and further in view of US Patent Application Publication 2002/0084042 to Kimmet.

**Regarding claims 33 and 34:** Neither Rezag, Ferry or Riedinger teaches a sliding upper rail, however Kimmet teaches a folding door for a modular compartment which comprises a retractable upper rail (20) which slides into the wall, and which curtain folds in concertina fashion with the sliding of the rail (Kimmet ¶ 15). It would have been obvious to a person having ordinary skill in the art at the time of the invention to replace the curtain and rail of Rezag as modified by Ferry and Riedinger, with those of Kimmet, for the purpose of increased security (the curtain of Kimmet is lockable; see ¶ 15).

**Claim 42** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rezag in view of Ferry as applied to claims 18 and 41 above, and further in view of US Patent 6,398,164 to Fasse.

**Regarding claim 42:** the unit (36) of Rezag is not disclosed to be moveable from a raised operative position to a lowered bed support position. However, Fasse teaches a two-part bed for an aircraft cabin where the secondary part is raiseable to a table position for use when the bed is not in use (Fasse c. 2, l. 25-29). It would have been obvious to a person having ordinary skill in the art at the time of the invention to configure the unit (36) of Rezag to be moveable to a raised position for use as a table when the bed is not in use, for the purpose of gaining more utility out of the unit when it is not being used to support the bed.

**Claims 43 and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rezag in view of Ferry as applied to claim 18 above, and further in view of US Patent 6,520,091 to Dettmers.

Rezag is silent on a table assembly housed inside a credenza. Dettmers teaches a table assembly (14) which can be moved from a stored position within a credenza (12) (fig. 3) to an operative position with a table of the table assembly (14) extending horizontally from the credenza (fig. 2). It would have been obvious to a person having ordinary skill in the art at the time of the invention to provide the passenger compartment of Rezag, as modified by Ferry, with a table assembly and credenza as taught by Dettmers, for the purpose of having an in-flight tray table.

The chair and seat of Rezag are on opposing sides of the doorway, the most reasonable place for the credenza of Dettmers is next to the wall opposite the doorway (possibly closer to the seat than the bed, to avoid interfering with the bed).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD R. GREEN whose telephone number is (571)270-5380. The examiner can normally be reached on Monday - Thursday 8:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Collins can be reached on (571)272-6886. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. R. G./  
Examiner, Art Unit 3644  
/Tien Dinh/

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Primary Examiner, Art Unit 3644